

COMPARISON OF CHAPTER 40R, COMPACT NEIGHBORHOODS, CHAPTER 43D AND CHAPTER 40B/LIP

Features	Chapter 40R Smart Growth	Compact Neighborhoods	Chapter 40B Local Initiative Program	Chapter 43D for Housing
As-of-right zoning	•	•		
Site Plan Review	•	•		•
Design Standards	•	•		•
Community agrees to override local zoning provisions for specific project			•	Expedited permitting
State approval required	•	•	•	•
Applicant must be public agency, non-profit or Limited Dividend Organization			•	
Density requirement	20 units/acre multifamily, 8 single-family	8 units/acre multi-family, 4 single family		
Payment from state for creating land zoned for dense housing	•			
Must be near transit, city/town/village center or other highly suitable location	•	•		
Required affordability percentages	20%	10%	25%	
All units in rental development count toward DHCD affordable unit count for 40B purposes	If developer goes to 25% affordable	If developer goes to 25% affordable	•	
Preference in discretionary funding programs	•	•		•
Possible relief from 40B	•	•		
Possible school cost reimbursement (Chapter 40S)	•			
Minimum number of zoned units		1% of housing stock*		
Can apply to existing zoning		If adopted after 11/13/2007		If expedited process added

*Three largest cities have fixed minimum, not percentage.

HOUSING PRODUCTION TOOLS AVAILABLE TO COMMUNITIES THAT PLAN FOR GROWTH

Chapter 40R/Smart Growth Zoning

Dense, well-designed districts can create a distinctive sense of place and fulfill market demand for walkable neighborhoods, while steering growth toward areas with existing infrastructure, reducing development pressure on outlying areas, and minimizing traffic impacts. Chapter 40R rewards cities and towns for adopting 40R zoning and streamlining the development process by providing as much as \$600,000 in upfront incentive funds, plus an additional \$3,000 for every new housing unit created. DHCD's 40R webpage: www.mass.gov/hed/40r.

Examples: Reading, Haverhill, Chelsea, Northampton

Compact Neighborhoods (new)

This is a new tool, like [Smart Growth Zoning \(40R\)](http://www.mass.gov/hed/40r) in its eligible locations and as-of-right zoning, but it has different residential density and affordability requirements. Participating communities are eligible for preference in discretionary funding and possible Chapter 40B relief. For communities that are interested in maintaining control over land use decisions by planning ahead and getting credit for denser, as-of-right zoning, this tool provides another choice. DHCD's Compact Neighborhoods webpage: www.mass.gov/hed/community/planning/compact-neighborhoods.

Examples: Your community can be the first

Chapter 43D for Housing (new)

Chapter 43D has been available for expedited economic development since 2006—but now residential zoning has been added. To be eligible, a municipality must provide for local permitting decisions on its designated priority development sites within 180 days of a complete application. This expedited permitting is attractive to developers, increases your visibility and is rewarded by preference in discretionary funding. EOHED's Chapter 43D webpage: www.mass.gov/hed/business/licensing/43D

Examples: Groton (the first to use 43D for primarily housing development)

Chapter 40B/Local Initiative Program

The LIP program encourages production of affordable housing by providing technical assistance to projects where the community has agreed to support use of the Chapter 40B Comprehensive Permit process. In addition to the technical assistance itself, this allows the project's units to be counted on DHCD's subsidized housing index even though no further subsidy is provided. DHCD's LIP webpage: www.mass.gov/hed/community/40b-plan/local-initiative-program-lip

Examples: Acton Meadows, Acton; Levi's Path, Chatham; Allard's Grove, Dracut; Church Corners, Williamstown